

ORDINANCE NO. 2021-010

**AN ORDINANCE OF THE CITY OF SHAKOPEE, MINNESOTA,
AMENDING CITY CODE SECTIONS 151.038; RELATING TO THE MULTIPLE-FAMILY
RESIDENTIAL ZONE (R-3)**

WHEREAS, the City of Shakopee has proposed an amendment to the City Code Section 151.038 to add a create specific regulations relating development standards where townhouses are proposed; and

WHEREAS, notices were duly sent and posted, and a public hearing was held before the Planning Commission on April 8, 2021, at which time all persons present were given an opportunity to be heard; and

WHEREAS, the Planning Commission has recommended to the City Council that the proposed zoning text amendment be adopted; and

WHEREAS, the City Council heard the matter at its meeting-on April 20, 2021; and

As a reference, ~~stricken through~~ text notates text being removed from the City Code. Underlined text notates text being added to the City Code.

The tables will be re-formatted to fit pages within the City Code page format.

THE CITY COUNCIL OF THE CITY OF SHAKOPEE, MINNESOTA, ORDAINS:

Section 1. Section 151.038 of the City Code is amended to read as follows:

SEC. 151.038. MULTIPLE-FAMILY RESIDENTIAL ~~ZONE~~ DISTRICT (R-3).

A. *Purpose.* The purpose of the Multiple-Family Zone is to provide an area which will allow 8 and one-one hundredth to ~~12~~ 14 multiple-family dwelling units per acre, and also provide a transitional zone between single-family residential areas, medium-density residential areas, and other land uses.

B. *Permitted and Conditional uses; ~~specific conditions.~~*

~~1. Utility service structures, subject to the following requirements:~~

~~a. Shall not be a water tower or electrical substation or a building constructed to house sanitary lift station controls;~~

- ~~b. Shall be 20 feet or less in height;~~
 - ~~c. May be used only to provide weather protection for utility equipment;~~
 - ~~d. Shall be designed, placed, and landscaped as necessary to assure that it blends with the neighboring uses, and is unobtrusive; and~~
 - ~~e. Shall comply with all applicable design standards.~~
1. See Section 151.007 for a complete list of allowed permitted and conditional uses and structures within the Multiple-Family Residential District.

~~C. Conditional uses; specific conditions.~~

1. ~~Adult day care center as conditional use, subject to the following conditions. The adult day care centers shall:~~
 - ~~a. Serve 13 or more persons;~~
 - ~~b. Provide proof of an adequate water and sewer system if not served by municipal utilities;~~
 - ~~c. Have outdoor leisure/recreation areas located and designed to minimize visual and noise impacts on adjacent areas;~~
 - ~~d. The total indoor space available for use by participants must equal at least 40 square feet for each day care participant and each day care staff member present at the center. When a center is located in a multi-functional organization, the center may share a common space with the multi-functional organization if the required space available for use by participants is maintained while the center is operating.~~
 - ~~(1) In determining the square footage of usable indoor space available, a center must not count:~~
 - ~~(2) Hallways, stairways, closets, offices, restrooms, and utility and storage areas;~~
 - ~~(3) More than 25% of the space occupied by the furniture or equipment used by participants or staff; or~~
 - ~~(4) In a multi-functional organization, any space occupied by persons associated with the multi-functional organization while participants are using common space.~~
 - ~~e. Provide proof of state, federal, and other governmental licensing agency approval; and~~
 - ~~f. Comply with all other state licensing requirements.~~

C. *Permitted accessory uses; specific conditions.*

- ~~a. Communication service apparatus/device(s) as permitted accessory uses, subject to the following conditions:~~
- ~~a. Shall be co located on an existing tower or an existing structure;~~
 - ~~b. Must not exceed 175 feet in total height (including the extension of any communication service device(s) apparatus);~~
 - ~~c. Lights and/or flashing equipment shall not be permitted unless required by state or federal agencies;~~
 - ~~d. Signage shall not be allowed on the communication service device(s)/apparatus other than danger or warning type signs;~~
 - ~~e. Must provide proof from a professional engineer that the equipment will not interfere with existing communications for public safety purposes;~~
 - ~~f. Shall be located and have an exterior finish that minimizes visibility off site to the maximum extent possible;~~
 - ~~g. Applicable provisions of this code of ordinances, including the provisions of the State Building Code therein adopted, shall be complied with;~~
 - ~~h. All obsolete or unused towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. After the facilities are removed, the site shall be restored to its original or an approved state. The user of the tower and/or accompanying accessory facilities shall be responsible for the removal of facilities and restoration of the site;~~
 - ~~i. The applicant shall submit a plan illustrating all anticipated future location sites for communication towers and/or communication devices(s)/apparatus;~~
 - ~~j. Wireless telecommunication towers and antennas will only be considered for city parks when the following conditions exist and if those areas are recommended by the Parks and Recreation Advisory Board and approved by the City Council:~~
 - ~~(1) City parks of sufficient size and character that are adjacent to an existing commercial or industrial use; and~~
 - ~~(2) Commercial recreation areas and major play fields used primarily by adults;~~
 - ~~k. All revenue generated through the lease of a city park for wireless telecommunication towers and antennas should be transferred to the Park Reserve Fund.~~
- ~~b. Towers for commercial wireless telecommunications services shall only be allowed subject to the following conditions:~~
- ~~a. Shall also operate as a public utility structure;~~

- ~~b. Shall be located within the public rights of way;~~
- ~~c. Shall be limited to 75 feet in height;~~
- ~~d. Shall limit the height of antennas and communication service devices to 10 feet beyond the height of the structure;~~
- ~~e. No setback shall be required when located in the public rights of way;~~
- ~~f. Turf or other materials shall be established in the right of way consistent with the materials in the right of way at the time of installation;~~
- ~~g. Lights and/or flashing equipment shall not be permitted unless required by state or federal agencies;~~
- ~~h. Shall be protected with corrosive resistant material;~~
- ~~i. Signage shall not be allowed on the tower other than danger or warning type signs;~~
- ~~j. Must provide proof from a professional engineer that the equipment is not able to be collocated on any existing or approved towers and prove that the planned tower will not interfere with existing communications for public safety purposes;~~
- ~~k. Must be built to accommodate antennas being placed at varying heights on the tower;~~
- ~~l. Existing vegetation on the site shall be preserved to the maximum extent possible;~~
- ~~m. Shall be surrounded by a security fence 6 feet in height with a lockable gate;~~
- ~~n. Shall have an exterior finish that minimizes visibility off site to the greatest extent possible;~~
- ~~o. Applicable provisions of this code of ordinances, including the provisions of the State Building Code therein adopted, shall be complied with;~~
- ~~p. No tower shall be permitted unless the equipment planned for the proposed tower cannot be accommodated on an existing or approved tower or building within one-half mile search radius of the proposed tower for any of the following reasons:~~
 - ~~(1) The necessary equipment would exceed the structural capacity of the existing or approved tower or building and the existing or approved tower cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost, as certified by a qualified, licensed professional engineer;~~
 - ~~(2) The necessary equipment would cause interference as to significantly impact the usability of other existing or planned equipment at the tower;~~

- ~~structure, or building and the interference cannot be prevented at a reasonable cost, as certified by a qualified, licensed structural engineer;~~
- ~~(3) Existing or approved towers and buildings within the one half mile search radius cannot or will not accommodate the planned equipment at a height necessary to function reasonably, as certified by a qualified, licensed professional engineer; or~~
- ~~(4) The applicant, after a good faith effort, is unable to lease space on an existing or approved tower or building.~~

~~q. All obsolete or unused towers and accompanying accessory facilities shall be removed within 12 months of the cessation of operations at the site unless a time extension is approved by the city. After the facilities are removed, the site shall be restored to its original or an improved state. The user of the tower and/or accompanying accessory facilities shall be responsible for the removal of facilities and restoration of the site; and~~

~~r. The applicant shall submit a plan illustrating anticipated sites for future location for communication towers and/or communication device(s)/apparatus.~~

1. See Section 151.007 for a complete list of allowed accessory uses and structures within the Multiple-Family Residential District.

D. *Design standards.* Within the Multiple-Family Residential Zone, no land shall be used, and no structure shall be constructed or used, except in conformance with the following requirements:

~~a. *Density.*~~

~~a. *Generally.* A minimum of 8.01 and a maximum of 12 dwellings per acre. Streets shall be excluded in calculating acreage; and~~

~~b. *Density bonuses in Planned Unit Developments (PUDs).* In the event that a proposed PUD in the R-3 Zone exceeds the requirements for parking or open space, the City Council may grant a density bonus of up to 2 dwelling units per acre to allow a density of up to 14 dwelling units per acre.~~

~~b. *Maximum impervious surface percentage:* 60%;~~

~~c. *Lot specifications.*~~

~~a. *Minimum lot size:* One acre;~~

~~b. *Minimum lot width:* 150 feet; and~~

~~c. *Minimum lot depth:* 200 feet.~~

~~d. *Minimum front yard setback:* 50 feet;~~

e. ~~Minimum side yard setback: One half of building height or 15 feet, whichever is greater. All multiple-family residential structures 30 feet or greater in height shall be setback a minimum of 4 times the height of the structure from the nearest Low-Density Residential (R-1A), Urban Residential (R-1B), Old Shakopee Residential (R-1C), Medium-Density Residential (R-2), or Multiple-Family Residential (R-3) Zone line; and~~

f. ~~Minimum rear yard setback: 40 feet.~~

d. ~~Maximum height: No structure shall exceed 35 feet in height without a conditional use permit; and~~

e. ~~Open space: A multiple-family dwelling project shall provide at least 15% of the project area as open space, as that term is defined in § 151.048(E)(2).~~

~~E. Additional requirements.~~

a. ~~Dwellings shall have a depth of at least 20 feet for at least 50% of their width. All dwellings shall have a width of at least 20 feet for at least 50% of their depth.~~

b. ~~All dwellings shall have a permanent foundation in conformance with the State Building Code.~~

	<u>R-3 Apartments</u>	<u>R-3 Townhouses</u>
<u>Minimum lot size</u>	<u>One Acre</u>	<u>No minimum</u>
<u>Minimum lot width</u>	<u>150 feet</u>	<u>No minimum</u>
<u>Minimum lot depth</u>	<u>200 feet</u>	<u>No minimum</u>
<u>Minimum Density</u>	<u>8.01</u>	
<u>Maximum Density</u>	<u>14.00</u>	
<u>Maximum Impervious Surface Percentage</u>	<u>60%</u>	
<u>Front Yard Setback</u>	<u>30 feet when abutting a public road</u> <u>25 feet when abutting a private drive</u> <u>50 feet when abutting an arterial, a-minor relievers and a-minor expander roads</u>	
<u>Side Yard Setback</u>	<u>20 feet or 50 feet when abutting Low-Density Residential (R-1A), Urban Residential (R-1B), Old Shakopee Residential (R-1C), Medium-Density Residential (R-2)</u>	<u>0 feet when utilizing a party wall</u> <u>20 feet when abutting a public street or private drive, or an adjacent development</u>
<u>Rear Yard Setback</u>	<u>40 feet</u>	<u>30 feet when abutting a public road or an adjacent development</u> <u>25 feet when abutting a private drive</u>

	<u>50 feet when abutting an arterial, a-minor relievers and a-minor expander roads</u>	<u>50 feet when abutting an arterial, a-minor relievers and a-minor expander roads</u>
<u>Building Separation within Development</u>	<u>30 feet</u>	<u>15 feet</u>
<u>Maximum Height</u>	<u>35 feet, unless receiving a conditional use permit</u>	
<u>Open Space</u>	<u>15%</u>	
<u>Dwelling Dimensional Standards</u>	<ol style="list-style-type: none"> 1. <u>Dwellings shall have a depth of at least 20 feet for at least 50% of their width. All dwellings shall have a width of at least 20 feet for at least 50% of their depth.</u> 2. <u>Setbacks for townhouses shall be determined from the common perimeter property line.</u> 	
<u>Construction Standards</u>	<ol style="list-style-type: none"> 1. <u>See City Code Section 151.108 for the complete requirements related to construction materials and any applicable design standards within the Multiple-Family Residential District.</u> 2. <u>All dwellings shall have a permanent foundation in conformance with the State Building Code.</u> 	

NOW, THEREFORE BE IT FURTHER ORDAINED, that the City Council of the City of Shakopee adopts the following findings of facts relative to the above-named request:

Criteria #1 ***The original zoning ordinance is in error.***

Finding #1 *The original zoning ordinance is in error as it unnecessarily duplicates content which is shown in other areas of the zoning code. Additionally, over time sections of the code shown in this chapter have been moved to more logical chapters of the zoning ordinance.*

Criteria #2 **Significant changes in community goals and policies have taken place.**

Finding #2 *Significant changes in community goals and policies have taken place following the adoption of the 2040 Comprehensive plan. Given new goals for denser housing options the proposed ordinance amendments align with the adopted Comprehensive Plan.*

Criteria #3 **Significant changes in development patterns have occurred.**

Finding #3 *Significant changes in development patterns have occurred. The proposed ordinance amendments fall in line with current development trends in a suburban area.*

Criteria #4 **The Comprehensive Plan requires a different provision.**

Finding #4 *The comprehensive plan recommends the ability to implement denser, mixed residential development and the proposed changes are in line with this provision.*

Passed in regular session of the City Council of the City of Shakopee, Minnesota held on the _____ day of _____, 2021.

Mayor of the City of Shakopee

Attest:

Lori Hensen, City Clerk

Published in the Shakopee Valley News on the _____ day of _____, 2021.

PREPARED BY:

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